

## WINSTON & STRAWN LLP

214 NORTH TRYON STREET  
CHARLOTTE, NORTH CAROLINA 28202-1078

35 WEST WACKER DRIVE  
CHICAGO, ILLINOIS 60601-9703

43 RUE DU RHONE  
1204 GENEVA, SWITZERLAND

99 GRESHAM STREET  
LONDON EC2V 7NG

333 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071-1543

1700 K STREET, N.W.  
WASHINGTON, D.C. 20006-3817

(202) 282-5000

FACSIMILE (202) 282-5100

www.winston.com

4 STASOVOY ULITSA  
119071 MOSCOW, RUSSIAN FEDERATION

200 PARK AVENUE  
NEW YORK, NEW YORK 10166-4193

ONE RIVERFRONT PLAZA  
NEWARK, NEW JERSEY 07102-5401

25, AVENUE MARCEAU  
CS 31621  
75773 PARIS CEDEX 16

101 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA 94111-5894

H. ALLEN BLACK III

(202) 282-5821

hblack@winston.com

March 25, 2009

### **VIA ELECTRONIC CASE FILING**

The Honorable William D. Quarles, Jr.  
United States District Court Judge  
U.S. District Court for the District of Maryland  
101 W. Lombard Street  
Baltimore, MD 21201

**Re: Fluxo-Cane Overseas, Ltd. v. E.D. & F. Man Sugar, Inc., et al.;**

**Case No. 08-CV-0356 (WDQ)**

Your Honor:

We write in brief response to Mr. Gaumont's letter of earlier this afternoon.

Pursuant to Local Rule 105.2, "[u]nless otherwise ordered by the Court, all memoranda in opposition to a motion shall be filed within fourteen days of the service of the motion." The pending Motion for Reconsideration and Hearing was filed on March 11, 2009. Accordingly, the response of E.D. & F. Man Sugar, Inc. ("Man Sugar") is due today, March 25, 2009.

Man Sugar agreed in its earlier Cross-Motion for Summary Judgment that the material facts of this matter are not disputed; where the parties disagree is with regard to the legal effect of certain actions and documents. As set out more fully in the pending Motion, this Court has identified the legal effect of the purported "equitable assignment" under U.K. law as a central issue to be decided. A key point of the pending Motion is to suggest that issue, and the other remaining issues, are matters of law for the Court to decide, through either further briefing on U.K. law, a hearing, or such other means as this Court may direct.

We respectfully suggest that the timely submission of Man Sugar's response to the pending Motion, if any, would permit this Court to address the Motion with both parties at the

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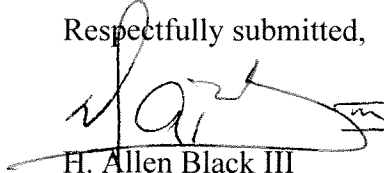
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upcoming conference, and decide at that time whether to conduct a hearing to resolve the pending issues of law, decide the issue on the parties' submissions, or schedule a trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H. Allen Black III", written over a horizontal line.

H. Allen Black III

Winston & Strawn, LLP